

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHADIA ALVAREZ,

Plaintiff,  
-against-

THE DEPARTMENT OF EDUCATION OF THE CITY  
OF NEW YORK, SUPERINTENDENT CARRON  
STAPLE individually and on behalf of the Department of  
Education of the City of New York,

**DEFENDANT'S NOTICE OF  
MOTION TO DISMISS THE  
COMPLAINT**

17-CV-0935 (PAE) (JCF)

Defendants.

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**PLEASE TAKE NOTICE** that upon the Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint, dated March 17, 2017, and upon all the papers and proceedings previously had herein, defendant the Department of Education of the City of New York<sup>1</sup> ("DOE")<sup>2</sup> will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York, 10007, before the Honorable Paul A. Engelmayer, United States District Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint on the grounds that plaintiff fails to state a plausible claim of retaliation in violation of the First Amendment of the United States Constitution.

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<sup>1</sup> Formally, the Board of Education of the City School District of the City of New York.

<sup>2</sup> Upon information and belief, Defendant Carron Staple has not been served at the time of filing, and Defendant DOE seeks to dismiss the action in its entirety as the only party over which the court holds jurisdiction.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Local Rule 6.1(b) and 6.(4), any papers in opposition to Defendant DOE's Motion to Dismiss are to be served no later than March 31, 2017.

Dated:           New York, New York  
                  March 17, 2017

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By:            /s/  
                John Corbin Carter  
                Assistant Corporation Counsel

TO: The Law Offices of Stewart Lee Karlin, P.C.  
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(By first-class mail and email)

Docket No. 17-CV-0935 (PAE) (JCF)

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**ZACHARY W. CARTER**

*Corporation Counsel of the City of New York  
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100 Church Street Rm. 2-183  
New York, NY 10007*

*Of Counsel: John Corbin Carter  
Tel: (212) 356-2078  
Matter No.: 2017-002802*

*Due and timely service is hereby admitted.*

*New York, New York.....,2017*

*....., Esq.*

*Attorney for.....*